



## **Pesticide Program Updates**

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**Pesticide Program Dialogue Committee Meeting**

**May 12, 2021**

**Edward Messina, Acting Director**

**Office of Pesticide Programs**

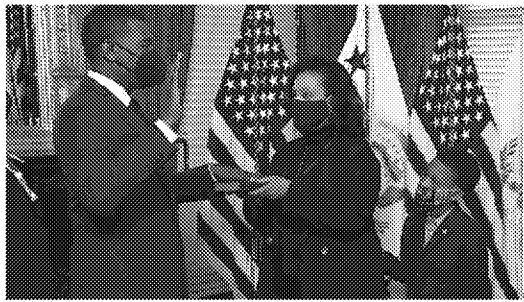
**U.S. Environmental Protection Agency**

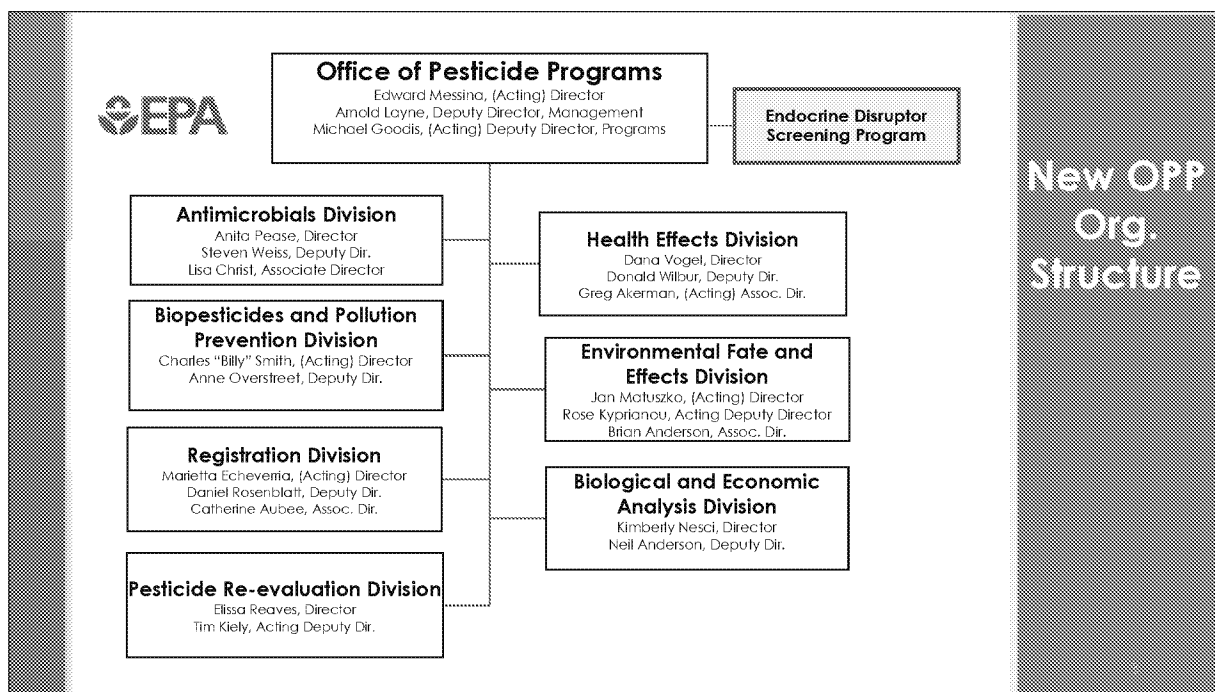
Good afternoon, I'm Ed Messina, Acting Office Director for EPA's Office of Pesticide Programs. I'm pleased to be here with you today at the CLA Winter Board Meeting. Thank you for the invitation.



## New Leadership

- ※ On March 11, 2021, Michael S. Regan was sworn in as the 16<sup>th</sup> EPA Administrator
- ※ President Biden has Nominated Michal Freedhoff to be the Assistant Administrator for the Office of Chemical Safety and Pollution Prevention. Confirmation Hearing on May 12<sup>th</sup>.





OPP has had some significant movement in our senior leadership team.

Mike Goodis, the Director of the Registration Division, is serving as Deputy Office Director for Programs.

Two OPP divisions moved to the new Office of Program Support:

Information Technology and Resources Management Division

Field and External Affairs Division

Antimicrobials Division:

Since COVID started last year, the Antimicrobials Division has received more registration action applications compared to previous years.

They have received approximately 6 times the number of inquiries from registrants and the general public.

AD has expanded from four branches to seven with the addition of 22 FTE.

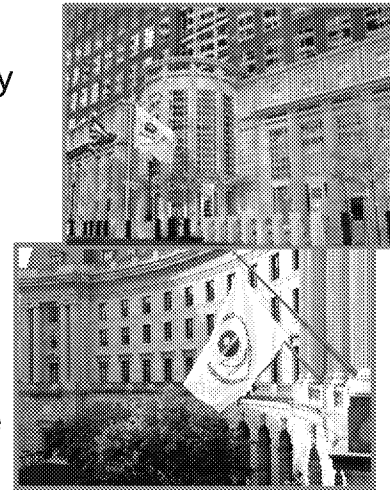
The 3 new branches include one new risk assessment branch and two new regulatory management branches.

OPP currently has 609 staff (headcount) and since October 2020, we have hired 32 staff.



## OPP Move from PYS to Federal Triangle

- Impacts of pandemic and working remotely have delayed OPP move from Potomac Yard South to the Federal Triangle Complex downtown.
- The lease of PYS space was extended.
- Packing up has been initiated and will continue through the summer.
- OPP's move from PYS to Federal Triangle will begin in September 2021 and is expected to be completed by the end of 2021.



*Washington, DC & Arlington, VA*



## OPP Hiring

- OPP started FY 2020 with 631 on-board staff.
- With persistent hiring, staffing levels reached 675 by the end of the fiscal year.
- OSCPP reorg and movement of most staff in FEAD and ITRMD to the Office of Program Support dropped on-board staffing level in OPP at the start of FY 2021 to 594.
- OPP is currently at ceiling with an on-board level of 611.

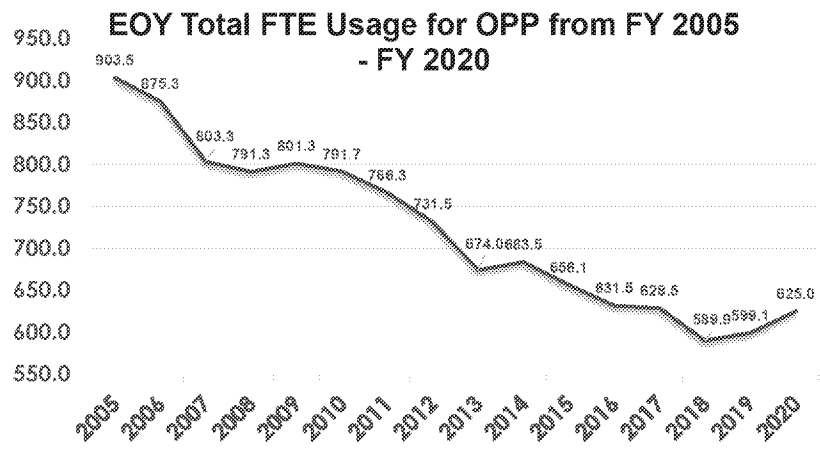
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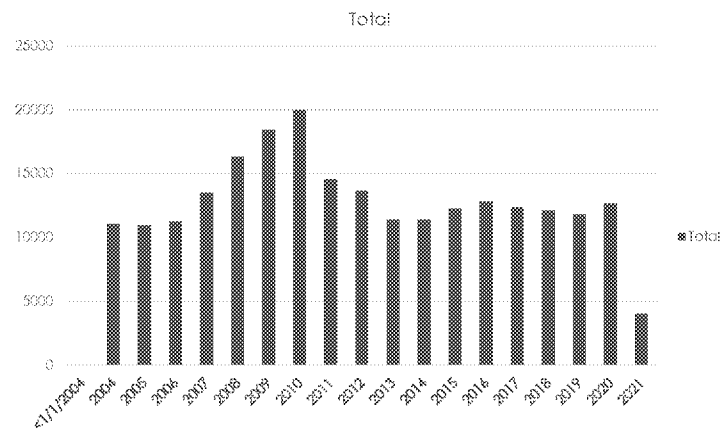


## The Resources



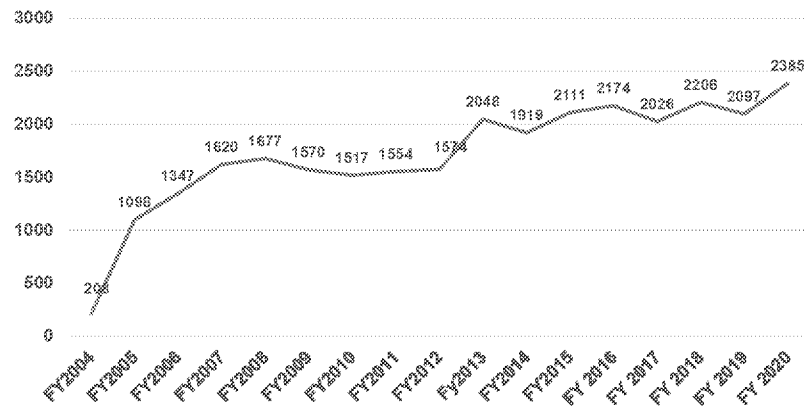


## Overall OPP Submissions, FY 2004 – FY2020





## PRIA Completions, FY2004 - FY2020





# **COVID-19 Updates**



## **EPA's COVID-19 Response**

- ※ List N weekly updates continue
  - ※ 550 products on List N; 140 products w SARS-CoV-2 claims
- ※ Processed 343 expedited List N submissions; approximately 1/3 did not pass the front-end screen
- ※ Responded to >200 Congressional inquiries
- ※ Participated in ~185 pre-submission meetings
- ※ Responded to ~120 enforcement inquiries

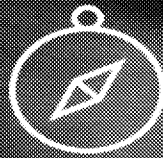
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## List N Tool: COVID-19 Disinfectants

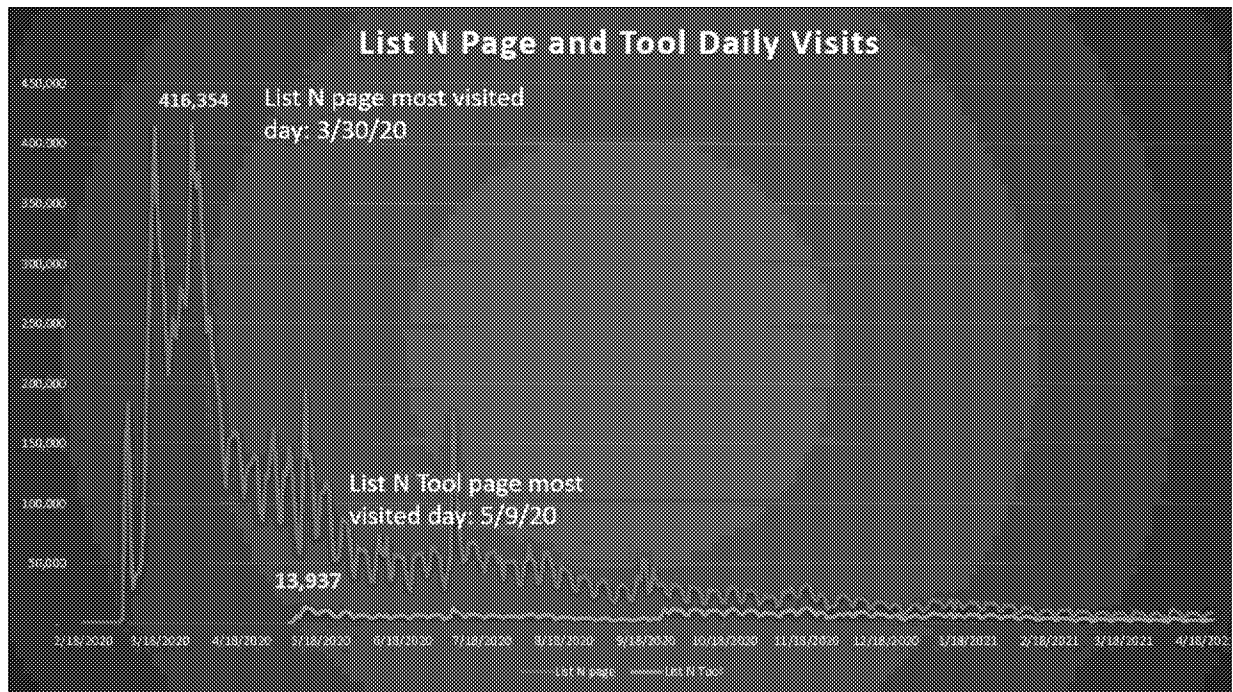
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**Launch**

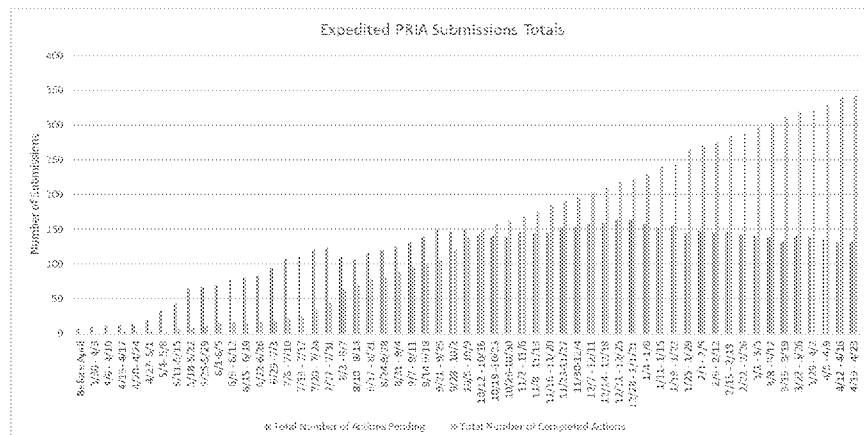
All products on this list meet EPA's criteria for use against SARS-CoV-2, the virus that causes COVID-19. These products are for use on surfaces, NOT humans. To find a product, click on Launch above.







## Expedited PRIA List N Submissions

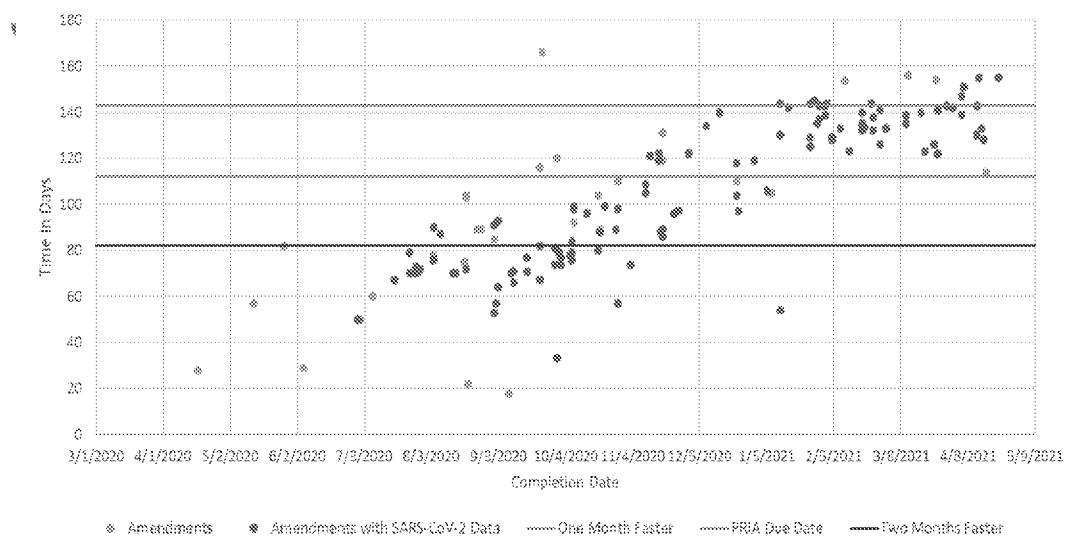


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# Expedited Amendment to an Existing Product with New Efficacy Data



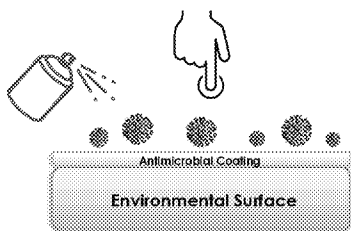
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## Development of Novel Product Test Methods: Residual Efficacy



- ✧ In **October 2020**, EPA provided interim guidance and methods and announced expedited review for products making residual (long-lasting) efficacy claims.
  - ✧ Public comment period closed in early January
- ✧ OPP and ORD worked collaboratively to develop methodology for antimicrobial coatings intended provide efficacy for weeks to months
  - ✧ Coatings are a supplement to use of a List N disinfectant
    - ✧ 2-hour contact time to inactivate the virus
  - ✧ Methodology incorporates a wear (physical and chemical abrasion) process to simulate real time use
- ✧ Covered in greater detail at a later topic in this session.



## Emergency Exemptions for Surface Coatings that Kill COVID-19

- ※ **August 2020**, EPA issued an emergency exemption to the state of Texas to allow American Airlines and certain orthopedic facilities to use SW2, as a surface coating that inactivates viruses and bacteria within two hours of application for up to seven days.
- ※ **January 2021**, EPA issued emergency exemptions for Oklahoma and Arkansas and revised the terms of use for SurfaceWise2 for all emergency exemptions.
- ※ **April 2021**, EPA issued emergency exemption for Georgia, Utah, and Minnesota, allowing BIAXAM, a supplemental residual surface coating for use in Delta Air Lines planes and facilities in those three states.





## Emergency Exemption for Antiviral Air Treatment for Grignard Pure

- \* **Mid-January**, EPA approved a Sec. 18 Emergency exemption to GA and TN for use of Grignard Pure in certain indoor spaces where social distancing can be challenging, including:

- \* Health care facilities (except critical areas); intrastate transportation; food processing facilities; indoor spaces of buildings, including government facilities, where people are conducting activity deemed essential by the State.

- \* Triethylene glycol (TEG) is the active ingredient in Grignard Pure. TEG is commonly used in fog machines for concerts and theatre productions.

- \* EPA reviewed all available data on this product's effectiveness and safety and concluded that it is capable of killing 98% of airborne SARS-CoV-2.

- \* Supplement to other precautions such as mask wearing and social distancing

Grignard Pure is in use to reduce airborne levels of the virus that causes COVID-19.

Please continue to follow critical precautions like mask wearing and social distancing, as appropriate, and always follow federal, state and local public health guidelines.



**CAUTION**  
Grignard Pure may cause temporary irritation in sensitive individuals. If you experience eye, nose, and/or throat irritation, immediately leave the space and get fresh outdoor air.

Any Questions or Adverse Effects should be reported at  
1 (855) 642-4PURE (7873)



## Disinfectant Policy Update

- Recent information from the Centers for Disease Control and Prevention (CDC) notes that the risk of being infected with COVID-19 by touching contaminated surfaces is considered low.
- Given this new information, EPA is no longer prioritizing Public Health Emergency requests for new products that address surface transmission of SARS-CoV-2.
- EPA is shifting resources to expedite applications for products with novel COVID-19 claims such as killing of airborne SARS-CoV-2 and surface residual efficacy.



## Disinfectant Policy Update

- Effective April 28, 2021, EPA is no longer expediting the:
  - Review process for products eligible for emerging viral pathogen claims without requiring the review of new data
  - Review of new products and amendments to existing product labels that require the review of new efficacy data.
  - Applications to add directions for use with electrostatic sprayers to products intended to kill SARS-CoV-2.
- Current guidance on expediting PRIA submissions for List N will be updated

# Program Updates

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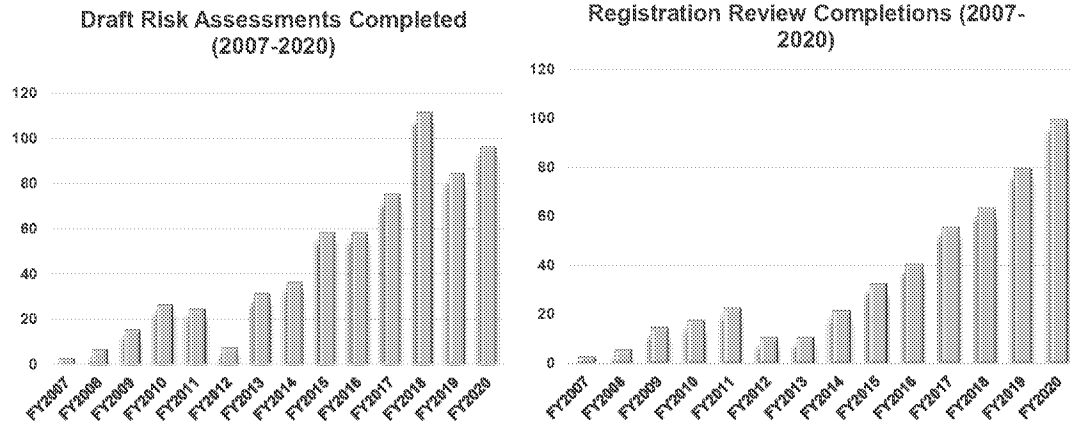
## **EPA Registration Review Highlights**

### **Overall Registration Review Status**

- 665 draft risk assessments completed (~8% remaining)
- 580 proposed interim decisions complete (~20% remaining)
- 514 final or interim decisions complete (~29% remaining)



## Registration Review Completions





## **Pentachlorophenol**

- ✱ In March 2021, EPA issued the proposed Interim Decision to cancel the registration of pentachlorophenol, the heavy-duty wood preservative used primarily on utility poles.
- ✱ After completing a risk assessment, EPA determined that pentachlorophenol poses significant human health risks to workers.
- ✱ The public comment period closed on May 4, 2021.

## **Registration Review Updates**

### **Glyphosate**

- In early February 2020, EPA issued the Glyphosate Interim Decision, which included mitigation and label changes to target pesticide sprays on intended pests, protect pollinators, and reduce the problem of weeds becoming resistant to glyphosate.
- After a thorough review of the best available science, as required under FIFRA, EPA concluded that there are no risks of concern to human health when glyphosate is used in accordance with its current label and that glyphosate is not a carcinogen.
- In November 2020, EPA released its draft biological evaluation (BE) for glyphosate for public review and comment. The comment period closed on March 12, 2021.
- In November 2021, EPA expects to release the final BE for glyphosate and initiate consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, if warranted.

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## Registration Review Updates

### Chlorpyrifos

- ※ On February 5, 2021, EPA extended the comment period for the Chlorpyrifos Draft Risk Assessments and Proposed Interim Decision to give the public and stakeholders more time to review and comment.
- ※ The current comment period was set to close on February 5, 2021, and EPA is extending the comment period for an additional 30 days. Comment period ended March 7, 2021.
- ※ The Court ordered EPA to, within a very short timeframe, revoke chlorpyrifos tolerances or modify them, provided that the Agency explain the safety finding supporting those modified tolerances in its final rule.
- ※ The Court also ordered that EPA modify or cancel registrations for associated food uses of chlorpyrifos.
- ※ At this time, EPA is seriously considering its options for how to proceed in response to the Court's Order.



## Registration Review Updates

### Neonicotinoids

- In February 2020, EPA published the Proposed Interim Decisions for the neonicotinoids acetamiprid, clothianidin, dinotefuran, imidacloprid, and thiamethoxam with proposed new measures to reduce potential ecological risks, particularly to pollinators.
- The agency is also working with industry on developing and implementing stewardship and best management practices.
- Approximately 190,000 comments were received on the proposed interim decisions
- After reviewing public input, the agency anticipates issuing Interim Decisions in 2021.

## **Registration Review Updates**

### **Rodenticides**

- The draft risk assessments for the rodenticides were completed in 2020.
- The next steps in the registration review process include public comment on the risk assessments, followed by the Proposed Interim Decision in spring 2021.
- The Interim Decisions for the rodenticides are scheduled for late 2021.

## **Registration Review Updates**

### **Additional Actions**

- Released for public comment the proposed interim decision (PID) for aminopyralid, a pyridine herbicide used to control broadleaf weeds and woody brush in both agricultural and non-agricultural settings.
- Released the interim decision for irgarol, which finalizes the cancelation of its use as an active ingredient in antifoulant paint in order to help preserve America's diverse aquatic ecosystems.

## **Registration Actions**

- Proposed registration for pesticide products containing the new active ingredient trifludimoxazin, a tool in managing resistant weeds.
- Proposed registration for new broad spectrum fungicide active ingredient fluindapyr for foliar agricultural and non-agricultural uses.
- Registered new active ingredient picarbutrazox, which represents a new tool for managing resistant fungi.
- Issued proposed decision to conditionally register the first residential outdoor use of the insecticides cyclaniliprole and flonicamid on roses, flowers, shrubs, and small (non-fruit bearing) trees.
- Released final pesticide Test Guidelines for Fire Ants and Invertebrate Pests of Pets.

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## Registration Actions

### Seresto Pet Collar Incidents

- Recently there have been numerous press inquiries on the Seresto pet collar incidents.
- The Agency is actively working to further understand the full context on the Seresto incidents.
- Our analysis of the incidents is underway, and we will take appropriate action after we have completed our assessment of the incidents.
- We plan to collaborate with experts from other regulatory authorities in our analyses of the incident data.



## PFAS and Pesticide Containers

- In September 2020, EPA became aware of PFAS contamination of a mosquito control product used in Massachusetts.
- In December 2020, EPA studied the fluorinated high-density polyethylene (HDPE) containers used to store and transport the product and preliminarily determined the fluorination process used may be the source of the contamination.
- In March 2021, EPA became aware of a second mosquito product, used in Maryland, that may be contaminated with PFAS. The product is distributed in stainless steel containers

## **PFAS and Pesticide Containers**

- The data EPA has collected indicates that the amount of PFAS from the contamination in the containers is extremely small.
- EPA is investigating how to evaluate potential impacts on health and/or the environment.
- Of the two products identified to date, one manufacturer has voluntarily stopped shipment of any products in HDPE containers. The second product is shipped in stainless steel and EPA is exchanging information with the organization who conducted the testing as well as the affected registrant.





## Dicamba

- In early 2021, EPA received requests from Georgia, North Carolina, and Tennessee to expand the allowed use of dicamba on dicamba-tolerant cotton and soybeans in their states.
  - The exact scope of each request varied, but all involved modifying or eliminating the federally-required calendar cutoff dates for applications.
- Requests were submitted under FIFRA Section 24(c), which authorizes states to issue registrations for additional uses of federal registrations to meet special local needs (SLNs)
- EPA has 90 days to formally disapprove 24(c) requests.
- EPA recently disapproved the GA, NC, and TN requests.

## **ESA Responsibilities and Challenges**

- ※ When EPA registers pesticides, we have a responsibility under the Endangered Species Act to protect federally listed species and their designated critical habitats
- ※ Under Section 7(a)(2) of the ESA, Federal agencies must ensure that the “actions” they authorize will not result in jeopardy or adversely modify designated critical habitat for species listed as endangered or threatened by the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) (jointly the Services)
- ※ For the Office of Pesticide Programs, our “actions” are the registration and registration review decisions for pesticides through which EPA authorizes the sale, distribution, and use of pesticides according to the product labeling

## Recent Progress in Protecting Listed Species

- \* EPA continues to register new pesticides that are less risky to non-target species
- \* EPA continues to improve the scientific analysis used to conduct its endangered species risk assessments
  - \* EPA released the “Revised Method”, which incorporates more robust scientific analysis and real-world data into our assessments and better informs biological opinions conducted by the Services
- \* EPA and the Services continue to consult on select cases as part of registration review
  - \* In March 2021, EPA released the final biological evaluations (BEs) for **carbaryl** and **methomyl** and initiated formal consultation
  - \* EPA is scheduled to finalize BEs for **atrazine**, **simazine**, **propazine**, and **glyphosate** in November 2021 and **clothianidin**, **thiamethoxam**, and **imidacloprid** in June 2022
  - \* In April 2021 EPA released the Fish and Wildlife Service’s Draft nationwide Malathion Biological Opinion for public comment.
- \* In September 2020, EPA created a website that provides information and resources to pesticide users on listed species and best practices to reduce pesticide exposures to them

## **Continued Challenges**

- \* While we've made some progress, we know that challenges remain in implementation of the Endangered Species Act
- \* Due to the time consuming process of completing biological evaluations and formal consultations on a nationwide scale, EPA has fully met its ESA obligations for only a few pesticides
- \* Historically, protections for endangered species have not been put in place until after the Services complete their biological opinion.
- \* These difficulties result in legal vulnerabilities as well as lack of protections for listed species that may be needed.

## **Moving Forward on ESA**

- ※ We've made a lot of progress on the scientific analysis used to conduct a biological evaluation; however science is only one part of the equation
- ※ EPA wants to pivot with an eye towards ways we can begin to identify and implement protections for listed species earlier so that we can be more aligned with the ESA
  - ※ We will continue to work and consult with the Services, as appropriate and meet our litigation related commitments (which are only increasing)
- ※ EPA intends to focus its efforts on working with our stakeholders to identify mitigations for protecting species in the short term and not wait for completion of the entire consultation process
- ※ EPA looks forward to working with stakeholders to realize our shared goal of protecting vulnerable species in a manner that is both effective and practical and ensures the availability and benefits of pesticides



## Certification Plan Overview

- \* Modified certification plans were due to EPA by March 4, 2020
- \* Successfully submitted:
  - 56 State Lead Agency plans
  - 6 Tribal plans
  - 5 Federal agency plans
  - EPA-administered plan (for Indian country)
- \* **Existing plans remain in effect** until EPA approves or rejects the modified plan or March 4, 2022, whichever is earlier.
- \* EPA-approved modified plans are to be implemented according to the schedule in the plans.

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### TALKING PTS:

The revised certification of pesticide applicators of RUPs (the CPA) rule at 40 CFR Part 171 was published early in 2017. States, Tribes and federal agencies with applicator certification programs are well into the process of making changes to their programs.

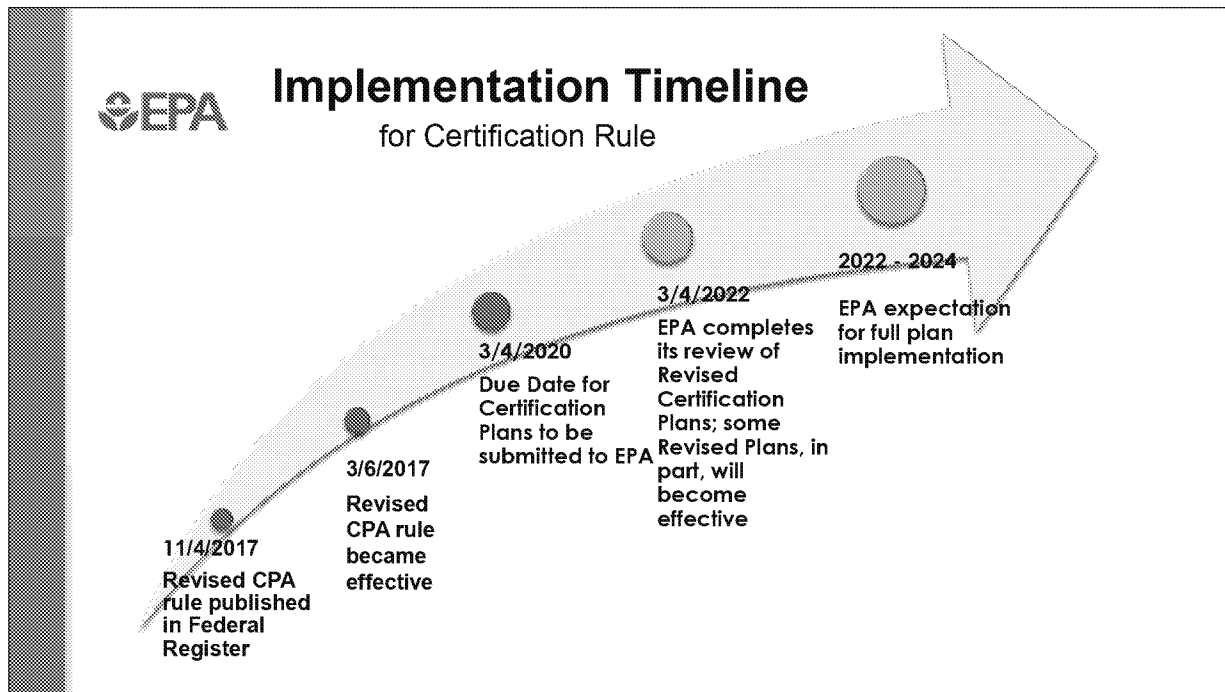
All plans are submitted and in various stages of review (by the regions or HQ)

EPA has until March 4, 2022 to approve these program changes laid out in certification plans.

FIFRA requires certifying authorities to have EPA-approved certification plans before they can administer an applicator certification program.

Changes will go into effect at different times for each state, tribe or federal agency program – each plan includes an implementation schedule.

Variations will depend, in part, on whether there is need for the entity to make changes to their laws and or regulations. In the meantime, applicator certification programs will continue “as is”, operating under the previously EPA-approved certification plans. (i.e., existing plans remain in effect until EPA approves or rejects the revised plan or March 4, 2022, whichever is earlier.)



**TALKING PTS:**

The first 3 bullets recount some of the history and context I mentioned on the first slide.

The Agency's action right now falls in the middle of this slide

3/4/20 - Date for Certification plans to be submitted to EPA

3/4/22 - EPA completes its initial review of the revised state plans.

At this point, the Regions have completed detailed reviews of many of the certification plans are submitting new ones to HQ everyday for HQ review.

OPP is also conducting detailed reviews for the SLA certification plans -

There are currently 28 plans that are in house with OPP; which are in active review, and then being turned back to the Regions, and then States and Tribes.

In addition to the state and tribal plans, OPP is working on detailed review comments for 5 federal agency plans.

OPP is also addressing comments and plans on finalizing the EPA Plan for Indian Country - the plan is finalizing the plan by the March 4, 2022 date - Just like the SLA plans.

Of course, the implementation work is going to extend out past the March 2022 date as states work on legislative approval and updating certification plan components like exam and training materials.

## **Certification Plan Review Dates**

Description	Deadline
Regional Detailed Review Complete	May 1, 2021
HQ Detailed Review Complete	November 1, 2021
Time-limited COVID-19 program change deadline	December 31, 2021
OCSPP and Regional Concurrence	January 18 to February 15, 2022
Regional Administrators sign notices of approval letters – approved plans	March 4, 2022





## EPA Plan for Applicator Certification in Indian Country

- EPA Plan Federal Register Notice
  - Published 3/2/2020; closed 6/1/2020
- HQ – tribal consultation process (2020)
  - Sessions in February, April, and July
  - Tribal consultation period ended in August
- HQ – currently in the review process of the EPA Plan before the plan becomes final

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Short take -

We already covered that the EPA plan for IC is being developed; that's the main take away.

Here are some additional details that I'll gloss over as it

Didn't receive any comments from the docket but there were some issues raised during consultation.

However, because of the impacts of the COVID-19 public health emergency, we held a third tribal consultation session on 7/15 and extended the full tribal consultation period to 8/3. EPA received several comments from Yurok Tribe, including their decision to opt out of the proposed EPA Plan.

As you know, most tribes rely on state certification programs as their methods to become certified. Most tribes fall under the EPA-administered plan, and then submit their state certifications to the Regions to receive a federal certification. Because of that, this plan may be of interest to you.

EPA is going through the same process as the SLAs to update the EPA Plan.

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We submitted the modified plan to ourselves and have published the FR announcing the proposal (docket number: EPA-HQ-OPP-2011-0037). The public comment period opened on March 2, 2020 and closed on June 1, 2020. EPA did not receive any comments from the docket.

In 2020, we held a call with AAPCO and SFIREG on 2/27 and 3/4 to review much of this information and point you to the public docket where the EPA Plan and supporting documents are located.

We've been in regular contact with the regions, mostly through monthly Tribal call with the Regions. We've also had outreach calls with our regional counterparts in regions 5, 7, 8, 9, and 10 and Tribal representatives that have certification plans or regional/tribal written agreements to make sure they understand their options.

We held 3 identical tribal consultation sessions through the Tribal consultation comment period.

We are currently in the review process of the EPA Plan before we publish the final updated version.



## WPS AEZ Rule Update

- ✧ **Until further notice from OPP or OGC, the 2015 WPS remains in effect with no changes to the AEZ provisions**
- ✧ Final Rule published Oct. 30, 2020
- ✧ Dec. 2020 - Lawsuits filed challenging AEZ Final Rule; proceedings stayed by the court
- ✧ No implementation of the 2020 AEZ Rule
  - ✧ Preliminary injunction has stayed the effective date
  - ✧ EPA enjoined from implementing the provisions
- ✧ Preliminary injunction in effect until June 18, 2021
  - ✧ Ongoing litigation could extend injunction



## Respirator Protection Statement

- ※ Issued Respirator Protection Statement on June 1, 2020
- ※ Temporary guidance during public health emergency
- ※ Emphasizes WPS and label compliance for use of respirators in agricultural pesticide products
- ※ In absence of compliant options, memo outlines potential flexibilities and conditions (case-by-case discretion):
  - ※ Access to face-filtering facepiece respirators
  - ※ Access to fit testing of respirators
- ※ Not a waiver of WPS or label requirements
- ※ Similar to OSHA's COVID-19 guidance
- ※ Amendment issued May 6 for the “annual fit test delay” option
  - ※ Expires September 30, 2021

## **Using Technology to Reduce Worker Exposure**

EPA evaluates the safety of manual ("open pour") loading of pesticides



Photos property of Agricultural Handler Exposure Task Force (AHETF)

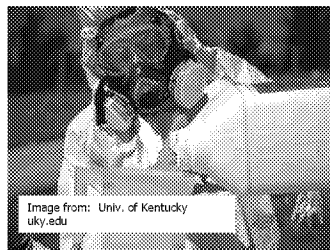
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## Using Technology to Reduce Worker Exposure

Which sometimes can result in requirements for high-levels of PPE



However, for some chemicals, PPE might still not result in enough exposure reduction, potentially resulting in the loss of an otherwise valuable crop protection tool



## Using Technology to Reduce Worker Exposure

**Closed Loading Systems** are an alternative to PPE, and a potential option to keep valuable tools on the market

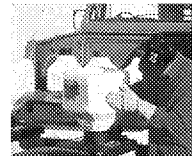
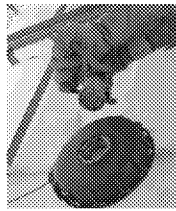
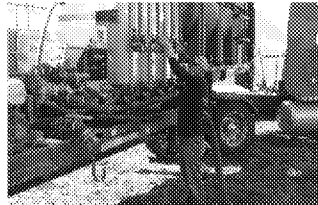


Photo found at:  
<https://photos.state.gov/libraries/ohio/6676719/>



<https://www.amvac-chemical.com/application-technology>

Photos property of AHETF, unless noted otherwise

## EPA Using Technology to Reduce Worker Exposure

EPA/OPP has reviewed and will begin using new AHETF exposure monitoring data that confirms significant exposure reduction when using current closed loading technology

*EPA/OPP Closed Systems team: Matt Crowley, Nancy Fitz, Emily Schmid, Moana Appleyard, Carolyn Schroeder, Matt Lloyd, Jeff Dawson*



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## **PPDC Suggested Topics from Fall 2020 Agenda**

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## Risk Communication and Transparency

- » OPP has worked to strengthen risk communication relating to its review of potential risks pesticides pose to public health and the environment.
- » In response to the COVID-19 public health emergency, the agency produced simple messages, infographics, and web tools to help the public identify and safely use surface disinfectants that are effective against SARS-CoV-2
- » EPA values transparency and invites the public to comment throughout the registration and registration review decision-making process

## **Stakeholder Engagement**

- \* OPP actively collaborates with a variety of stakeholders for advice, opinions, ideas to help us with science issues and policy development
  - \* FIFRA Scientific Advisory Panel
  - \* Pesticide Program Dialogue Committee
  - \* Pesticide industry
  - \* Environmental advocacy organizations
  - \* Government agencies – all levels
  - \* International organizations and foreign partners
  - \* Issue-specific technical experts
  - \* Public

# One last thing...

**JUST TO LET YOU KNOW THAT**



**CICADAS ARE COMING BACK TO THE  
SURFACE AFTER 17 YEAR OF BEING UNDERGROUND.**



# Thank You